

STATE OF CALIFORNIA

Public Utilities Commission  
San Francisco

**M e m o r a n d u m**

**Date:** June 8, 2004

**To:** The Commission  
(Meeting of June 9, 2004)

**From:** Alan LoFaso, Director  
Office of Governmental Affairs (OGA) — Sacramento

**Subject:** **AB 2858 (Ridley-Thomas) - Charter-party carriers of  
passengers: drivers and key employees: background checks.**  
As Amended May 13, 2004

**Legislative Subcommittee Recommendation:** Oppose.

**Summary:** This bill would require the Commission to establish standard procedures for specified charter-party carrier license applicants and requires the Commission to conduct criminal history background checks as a condition of issuing or renewing specified charter-party carrier licenses.

**Digest:** Existing Law, P.U. Code secs. 5351 et seq., the "Passenger Charter-party Carriers' Act", provides for Commission regulation of charter-party carriers, except as specifically exempted, including the requirement to establish reasonable fitness and financial responsibility to provide transportation services within California.

This bill would require the Commission to adopt regulations establishing specified standards and procedures to investigate the criminal backgrounds of candidates seeking certificates for employment as drivers or key employees with charter-party carriers of passengers (TCP) that provide passenger transportation to and from airports. This bill would define a "key employee" as a charter-party carrier owner or partner.

This bill would specifically:

1. Prohibit the Commission from issuing or renewing a permit for a TCP providing transportation to and from airports unless it certifies its drivers have successfully completed a criminal history background check.

2. Require the Commission to issue an identification credential to each applicant that has successfully completed the specified criminal background investigation process and would require that all drivers employed by a TCP carry the identification credential at all times on airport property.
3. Require the Commission to establish and collect a fee to be charged of the TCPs to cover specified program costs.
4. Require the Commission to notify the appropriate law enforcement agencies of the existence of any outstanding felony warrant for the arrest of a TCP applicant for employment.
5. Prohibit TCP employees and agents from communicating to any other person any information related to the disqualification of a driver or key employee, and would authorize a person disqualified from employment to request a hearing by the Commission to challenge the accuracy of the criminal background investigation and to present evidence that shows he/she has been rehabilitated and should be permitted employment.

This bill would also impose specified civil penalties for a failure to produce the Commission-issued credential at the request of airport law enforcement officers, with repeated violations grounds for revocation of the TCP permit.

**Analysis:** The Commission currently licenses approximately 3,600 charter-party carriers. A charter-party carrier provides a customer with a vehicle and driver for exclusive use (to a wedding, roundtrip from a sporting event) and charges them based on time and/or mileage.

Requirements for charter-party carrier licensing include:

1. File evidence of liability insurance.
2. File evidence of workers' compensation insurance, if workers are employed.
3. Participate in the DMV Employer Pull-Notice System (to monitor drivers' records).
4. Participate in the Commission's drug and alcohol testing program.
5. Undergo a charter-party carrier safety inspection for any vehicle seating more than 10.

AB 2858 would expand Commission responsibilities by requiring the Commission to establish a fingerprint-based criminal background investigation process to screen, identify and provide credentials to eligible TCP's that provide services to and from airports.

Therefore, the Commission would be required to purchase expensive equipment (Livescan Fingerprint Machine, ID Laminators, etc.), establish locations to house this equipment and provide services to the public and designate staff to maintain these services.

AB 2858 does not take into account that the Department of Justice and other law enforcement agencies already utilize this equipment and provide these services to the public. Instead, this bill would require the Commission to duplicate these services. Therefore, AB 2858 inappropriately assigns this function to the Commission and should be opposed.

Furthermore, AB 2858 would require the Commission to adopt regulations, according to the Administrative Procedure Act (APA). This bill does not warrant any more of an APA rulemaking than any other kind of screening we do of the qualifications of some person or entity seeking authority from the Commission.

Moreover, the Commission does not need to establish regulations as a precondition to gather any information that seems pertinent to issuing a license or certificate, or otherwise carrying on an investigation, formal or informal, in the performance of its regulatory duties. This provision would serve as a severe and inappropriate limitation on the Commission's ability to implement this measure and would, in effect, make it harder for the Commission to conduct background checks.

The Consumer Protection and Safety Division (CPSD) has identified several new activities the Commission would need to perform to implement this measure. Specifically, this bill would require the Commission to develop:

- a. The amount charged to TCP permit operators to cover the program's cost.
- b. For how long should credentials be valid?
- c. Will the credential only be valid while the driver works for the sponsoring carrier?
- d. How will credentials be retrieved from employees upon termination of employment?
- e. The bill specifies disqualification of employment only for specified crimes. What action, if any, should the Commission take for convictions of other crimes disclosed by the background check?
- f. A person disqualified from employment may request a hearing by the Commission. What form would the hearing take?
- g. Whose responsibility it will be to retrieve the credentials from drivers no longer employed by the TCP owner who originally hired them or whether the credentials can be interchangeable between TCP owners?
- h. Whether the specified crimes list should be expanded to include all felonies listed by the FAA and felonies and crimes of moral turpitude? How long the criminal history can be considered, i.e. – crimes committed more than 5, 10, 15, etc years may no longer be considered and what "conviction" means.

These activities would significantly increase the number of staff assigned to the carrier licensing and enforcement activities section to implement and operate the proposed new programs. Moreover, the Commission would be required to issue credentials, which would be similar to driver licenses, to all TCP drivers. The bill is not clear by what

means these documents would be delivered or retrieved, underscoring another element of the bill for which the Commission would be required to duplicate functions traditionally performed by other agencies. (Program costs would borne by increased TCP fees, which would likely be passed on to consumers.)

## **LEGISLATIVE HISTORY**

Assembly Floor: 48-27 (pass) (5/25/04)

Assembly Appropriations: 16-5 (do pass) (5/19/04)

Assembly Public Safety 4-2 (do pass as amended) (4/13/04)

## **SUPPORT/OPPOSITION**

Support: California Airport Coalition.

Opposition: The Greater California Livery Association, California Teamsters Public Affairs Council.

## **LEGISLATIVE STAFF CONTACT**

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**Date**: June 8, 2004

**BILL LANGUAGE:**

BILL NUMBER: AB 2858      AMENDED  
BILL TEXT

AMENDED IN ASSEMBLY    MAY 13, 2004  
AMENDED IN ASSEMBLY    APRIL 22, 2004

INTRODUCED BY    Assembly Member Ridley-Thomas

FEBRUARY 20, 2004

An act to ~~add Chapter 2.8 (commencing with Section 12330) to Title 2 of Part 4 of the Penal Code, relating to the Firearm Victims' Reimbursement Fund.~~ amend Section 5374 of, and to add Section 5384.7 to, the Public Utilities Code, relating to charter-party carriers of passengers.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2858, as amended, Ridley-Thomas. ~~Firearm Victims' Reimbursement Fund~~ Charter-party carriers of passengers: drivers and key employees: background checks .

The Transportation Security Administration of the United States Department of Transportation, administered by the Under Secretary of Transportation for Security, is responsible for carrying out measures to ensure aviation security, including hiring, training, and retention of personnel for the security screening of passengers and baggage and conducting background checks for individuals with access to secure areas of airports regularly serving an air carrier holding a certificate issued by the Secretary of Transportation. Individuals with specified criminal backgrounds or other factors as determined by the Under Secretary, are disqualified from employment with an air carrier or airport operator, if they will have access to secured areas. The Under Secretary is required to adopt measures to improve secured-area access control, including working with airport operators to strengthen access control points in secured areas, including air traffic control operations areas, maintenance areas, crew lounges, baggage handling areas, concessions, and catering delivery areas.

The California Constitution establishes the Public Utilities Commission, with jurisdiction over all public utilities and authorizes the Legislature, unlimited by the other provisions of the Constitution, to confer additional authority and jurisdiction upon the commission that is cognate and germane to the regulation of public utilities. Charter-party carriers of passengers are subject to the jurisdiction and control of the commission under the Passenger Charter-Party Carriers' Act. The act requires a charter-party carrier of passengers to obtain from the commission a certificate that public convenience and necessity require the operation, except that certain specific transportation services may be conducted under authority of a permit issued by the commission. The act prohibits the commission from issuing or renewing a permit unless the applicant has met specified requirements.

This bill would require the commission to adopt regulations establishing standards and procedures to investigate the criminal

background of candidates seeking certificates for employment as drivers or key employees, as defined, with charter-party carriers of passengers that provide passenger transportation to and from airports. The bill would require the commission to restrict a charter-party carrier of passengers to employment of individuals approved for that employment by the commission, based on successful completion of the criminal background investigation. The bill would impose civil penalties for a violation of that employment restriction. The bill would require the commission to issue an identification credential to each applicant that successfully completes that criminal background investigation process and would require that all drivers employed by a charter-party carrier of passengers carry the identification credential at all times on airport property. The bill would impose civil penalties for a failure to produce the credential at the request of airport law enforcement officers. Repeated violations would be grounds for revocation of the carrier's permit. The bill would require the commission to provide for a fee to be charged of the charter-party carrier of passengers and collected by the commission, sufficient to cover certain related costs.

The bill would prohibit the commission from issuing or renewing a permit for a charter-party carrier applicant providing transportation to and from airports unless it certifies its drivers have successfully completed a criminal history background check and have been issued an identification credential.

The bill would prohibit employees and agents of a charter-party carrier from communicating to any other person any information related to the disqualification of a driver or key employee, and would authorize a person disqualified from employment pursuant to the provisions of the bill to request a hearing by the commission to challenge the accuracy of the criminal background investigation.

A violation of the act or of an order or other requirement of the commission in enforcing that act is a crime.

Because the provisions of this bill would be a part of the act and a violation of the bill's provisions or of an order or other requirement of the commission implementing those provisions would be a crime, the bill would impose a state-mandated local program by creating new crimes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law generally regulates the sale of ammunition and firearms.~~

~~This bill would, subject to exceptions, impose a fee of 10% of the retail sale price on every munition and a fee of 5% of the retail sale price on every handgun, as defined, sold at retail. The fees would be paid by retailers to the State Board of Equalization, and deposited in the Firearm Victims' Reimbursement Fund. The Firearm Victims' Reimbursement Fund would be used, upon appropriation, to pay firearm injury victims for uncompensated pecuniary losses and to pay for related administrative costs, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~ yes .

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

~~SECTION 1. Chapter 2.8 (commencing with Section 12330)~~

*SECTION 1. It is the intent of the Legislature to reaffirm its commitment to homeland security as it relates to charter-party carriers of passengers and their employees who drive passengers to and from airports. The purpose of this act is to ensure that procedures and regulations are in place consistent with the airport security programs operated by airports in this state, to assure the traveling public that drivers or key employees of privately engaged carriers have been through security clearances, and to provide uniformity in credentialing among charter-party carriers of passengers.*

*SEC. 2. Section 5374 of the Public Utilities Code is amended to read:*

5374. (a) Before a permit is issued or renewed, the commission shall require the applicant to establish reasonable fitness and financial responsibility to initiate and conduct or continue to conduct the proposed or existing transportation services. The commission shall not issue or renew a permit pursuant to this chapter , unless the applicant meets ~~both~~ all of the following requirements:

(1) It certifies on a form acceptable to the commission that the applicant will maintain its vehicles in a safe operating condition and in compliance with the Vehicle Code and with regulations contained in Title 13 of the California Code of Regulations relative to motor vehicle safety.

(2) It provides for a mandatory controlled substance and alcohol testing certification program as adopted by the commission pursuant to Section 1032.1.

(3) A charter-party carrier applicant providing transportation to and from airports, certifies its drivers and key employees have successfully completed a criminal history background check and have been issued an identification credential in accordance with Section 5384.7. For purposes of this section, "key employees" mean the owner or partner of the charter-party carrier or, if the carrier is a corporation, the officers and directors of the corporation.

(b) (1) Before a certificate is issued or renewed, the commission shall require the applicant to establish reasonable fitness and financial responsibility to initiate and conduct or continue to conduct the proposed or existing transportation services. The commission shall not issue or renew a certificate pursuant to this chapter , unless the applicant meets all of the following requirements:

(A) It is financially and organizationally capable of conducting an operation that complies with the rules and regulations of the Department of the California Highway Patrol governing highway safety.

(B) It is committed to observing the hours of service regulations of state and, where applicable, federal law, for all persons, whether employees or subcarriers, operating vehicles in transportation for compensation under the certificate.

(C) It has a preventive maintenance program in effect for its vehicles used in transportation for compensation that conforms to regulations of the Department of the California Highway Patrol in Title 13 of the California Code of Regulations.

(D) It participates in a program to regularly check the driving records of all persons, whether employees or subcarriers, operating vehicles used in transportation for compensation requiring a class B

driver's license under the certificate.

(E) It has a safety education and training program in effect for all employees or subcarriers operating vehicles used in transportation for compensation.

(F) It will maintain its vehicles used in transportation for compensation in a safe operating condition and in compliance with the Vehicle Code and with regulations contained in Title 13 of the California Code of Regulations relative to motor vehicle safety.

(G) It has filed with the commission the certificate of workers' compensation insurance coverage or statement required by Section 5378.1.

(H) It has provided the commission an address of an office or terminal where documents supporting the factual matters specified in the showing required by this subdivision may be inspected by the commission and the Department of the California Highway Patrol.

(I) It provides for a mandatory controlled substance and alcohol testing certification program as adopted by the commission pursuant to Section 1032.1.

(2) With respect to subparagraphs (B) and (F) of paragraph (1), the commission may base a finding on a certification by the commission that an applicant has filed, with the commission, a sworn declaration of ability to comply and intent to comply.

(c) In addition to the requirements in subdivision (b), class A and class B charter-party carriers shall meet all other state and, where applicable, federal regulations as prescribed.

(d) The commission may delegate to its executive director or ~~that executive director's~~ his or her designee the authority to renew, or authorize the transfer of, charter-party carrier permits or certificates and to make the findings specified in subdivision (b) that are necessary to that delegated authority.

*SEC. 3. Section 5384.7 is added to the Public Utilities Code, to read:*

*5384.7. (a) The commission shall adopt regulations, in accordance with this section and Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, to establish standards and procedures to investigate the background of candidates seeking certificates for employment as drivers or key employees with charter-party carriers of passengers that provide passenger transportation to and from airports. These regulations shall direct the Carriers Branch of the commission, which licenses charter-party carriers of passengers, to use criminal history information to determine whether applicants for employment as drivers or key employees have a conviction for a qualifying felony crime that would disqualify them from being hired as drivers or key employees because they would be a threat to the safety of the public if employed as drivers or key employees of the charter-party carrier.*

*(b) The commission shall provide, by regulation, that a fingerprint-based criminal background investigation be used to determine past convictions for the following specified criminal acts that disqualify the applicant for employment in this capacity:*

*(1) Unlawful transportation of a hazardous material (49 U.S.C. Sec. 46312).*

*(2) Carrying a weapon or explosive aboard an aircraft (49 U.S.C. Sec. 46505).*

*(3) Unlawful entry into an aircraft or airport area that serves air carriers or foreign air carriers contrary to established security requirements (49 U.S.C. Sec. 46314).*

*(4) Destruction of an aircraft or aircraft facility (18 U.S.C.*



Sec. 32).

(5) Violence at international airports (18 U.S.C. Sec. 37).

(6) Unlawful possession, use, sale, distribution, or manufacture of an explosive, incendiary device, or assault weapon.

(7) Felony arson.

(8) Hate crime, as described in paragraph (2) of subdivision (b) of Section 628.1 of the Penal Code, including, but not limited to, offenses in Title 11.6 (commencing with Section 422.6) of Part 1 of the Penal Code.

(9) Conspiracy or attempt to commit any of the criminal acts listed in paragraphs (1) to (8), inclusive.

(c) The commission shall also require, by regulation, that the criminal background investigation be used to determine the existence of any outstanding felony warrants for the arrest of the applicant for employment. If the criminal background investigation reveals one or more felony warrants, the commission shall notify the appropriate law enforcement agency of the application.

(d) The commission shall ensure, by regulation, compliance with Section 50.12 of Title 28 of the Code of Federal Regulations as it exists on January 1, 2003, with regard to records of the Federal Bureau of Investigation, and provide similar requirements with regard to state records.

(e) The commission shall require, by regulation, that a charter-party carrier of passengers may only employ an individual as a driver of passengers to or from airports or as a key employee if that individual has been approved for that employment by the commission, based on successful completion of the criminal background investigation. This requirement shall apply retroactively to drivers and key employees employed on or after January 1, 2003, and to all future applicants. Employment of individuals not approved as drivers or key employees by a charter-party carrier of passengers shall constitute a violation of the regulations and subject the carrier to civil penalties not to exceed two thousand dollars (\$2,000) per incident. Repeated violations of this nature shall be grounds for revocation of the carrier's permit.

While a criminal background investigation is pending, a driver or key employee may be employed by the carrier. This section does not prohibit a charter-party carrier from employing a driver who is disqualified pursuant to this article from being employed by the carrier in a capacity that does not involve driving passengers to and from the airport. A charter-party carrier subject to this article shall inform an applicant for employment as a driver or key employee, both on the employment application and through oral communication, of the requirements of this chapter and the consequences that may occur if the driver or key employee is disqualified from employment. If the charter-party carrier is a subcarrier that does not employ any drivers other than the holder of the permit to operate as a charter-party carrier, the subcarrier shall be treated as an employee of the parent carrier for the purposes of complying with the criminal background check requirements of this section and Section 5374.

(f) The commission shall require, by regulation, that charter-party carriers of passengers require applicants who are offered employment as a driver of a motor vehicle providing passenger transportation to and from airports or as a key employee, to submit fingerprints and other pertinent information, as required by the regulations, to the commission for the purpose of obtaining criminal background information.

(g) The commission shall transmit the fingerprints to the Department of Justice. The Department of Justice shall conduct the check, and forward the request for federal level criminal offender record information to the Federal Bureau of Investigation. The Department of Justice shall provide the following information to the commission:

(1) Every conviction rendered against the applicant.

(2) Every arrest for an offense for which the Department of Justice has determined that the applicant is presently awaiting trial, or whether the applicant is incarcerated or has been released on bail or on his or her own recognizance pending trial.

(3) Every warrant for the arrest of the applicant.

(h) The commission shall review all information received from the charter-party carrier of passengers and the Department of Justice pursuant to the regulations. All information received by the commission shall be held as confidential, except that if employment is to be denied based on criminal history information, the commission shall notify the charter-party carrier of passengers of the applicant's disqualification, and provide a copy of the history and an explanation of the denial to the applicant. Employees and agents of a charter-party carrier of passengers are prohibited from communicating to any other person any information related to the disqualification of a driver or key employee. A person who is disqualified pursuant to this section may request a hearing by the commission to challenge the accuracy of the criminal background investigation and to present evidence that, notwithstanding the grounds for disqualification, he or she is fully rehabilitated and should be permitted employment. The commission may grant any relief it deems appropriate, including restoration of the right of employment.

(i) The commission shall provide, by regulation, that an identification credential be issued to each applicant that successfully completes that criminal background investigation process.

(j) The commission shall provide, by regulation, that all drivers and key employees employed by a charter-party carrier of passengers shall carry the identification credential at all times on airport property, and shall produce the credential for inspection upon request of airport law enforcement officers. Failure to produce the credential at the request of airport law enforcement officers shall constitute a violation of the regulations and subject the driver and the carrier to civil penalties not to exceed five hundred dollars (\$500) per incident. Repeated violations of this nature shall be grounds for revocation of the carrier's permit.

(k) The commission shall provide, by regulation, for a fee to be charged of the charter-party carrier of passengers, to be collected by the commission, sufficient to cover the costs of the commission and Department of Justice for processing fingerprint records, reviewing documents, and issuing identification credentials pursuant to this section. An employee or applicant for employment may not be charged a fee for the performance of the criminal background check required by this section.

(l) For the purposes of this section, "key employees" mean the owner or partner of the charter-party carrier or, if the carrier is a corporation, the officers and directors of the corporation.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school

*district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.* ~~is added to Title 2 of Part 4 of the Penal Code, to read:~~

~~CHAPTER 2.8. FIREARM VICTIMS' REIMBURSEMENT FUND~~

~~12330. (a) (1) There shall be imposed a fee upon the retailer for all munitions sold at retail at the rate of 10 percent of the retail sale price for each munition sold at retail in this state on or after January 1, 2005.~~

~~(2) Except as provided in paragraph (1), the fee shall also be imposed upon and paid by the purchaser of munitions for munitions purchased outside of the state and that are intended to be stored or used in the state.~~

~~(3) There shall be imposed a fee upon the retailer for all handguns sold at retail at the rate of 5 percent of the retail sale price for each handgun sold at retail in this state on or after January 1, 2005.~~

~~(4) The fees imposed pursuant to this section shall not exceed the costs authorized for expenditure pursuant to subdivisions (f) and (g).~~

~~(b) The fees imposed by this section shall be administered and enforced by the State Board of Equalization.~~

~~(c) (1) For purposes of this section, "munition" means either a finished munition product consisting of a projectile with its fuse, propelling charge, or primer, or a primer component, as applicable. "Munition" does not include a BB or a pellet commonly used in an air rifle or pistol, or "blank" munitions which lack a projectile.~~

~~(2) For purposes of this section, "handgun" means a handgun, as defined in Section 12001, that is on the approved list pursuant to Section 12131.~~

~~(d) (1) The fees provided for in this section may not be imposed upon any munition or primer component, or handgun purchased by any peace officer required to carry a firearm while on duty, or upon any governmental law enforcement agency employing that officer, or upon any government agency purchasing those items on behalf of a law enforcement agency, for use in the normal course of employment.~~

~~(2) The fees provided for in this section shall not be imposed upon purchasers who have a valid California hunting license, and are purchasing ammunition intended to be used in a rifle or shotgun, as those terms are defined in Section 12020. The retailer shall complete and maintain a purchaser's certificate, in a form and for a period determined by the Board of Equalization, documenting and verifying the purchaser's qualifications for the exemption from the fees pursuant to this paragraph.~~

~~(3) The fees imposed pursuant to this section shall not be imposed on any of the following transactions:~~

~~(A) A transaction conducted pursuant to Section 12082 or 12084 in order to comply with subdivision (d) of Section 12072.~~

~~(B) A transaction that complies with an exemption from the requirements of subdivision (d) of Section 12072.~~

~~(C) A transaction conducted pursuant to paragraph (2) of subdivision (f) of Section 12072.~~

~~(e) All amounts required to be paid to the state under this section shall be paid to the State Board of Equalization in the form of remittances that are payable to that board and are separate from~~

~~the remittance of any other fee. The board shall transmit the payments to the Treasurer to be deposited in the State Treasury to the credit of the Firearm Victims' Reimbursement Fund, which is hereby created.~~

~~— (f) The Firearm Victims' Reimbursement Fund may be used, upon appropriation by the Legislature, for the following purposes:~~

~~— (1) To pay the State Board of Equalization for the board's cost of implementation and administration of this section, provided however, that amount appropriated for those purposes may not exceed 10 percent of the total amount of moneys deposited in the fund for that fiscal year.~~

~~— (2) To pay the California Victims Compensation and Government Claims Board for the board's cost of implementation and administration of this section, provided however, that amount appropriated for those purposes may not exceed 5 percent of the total amount of moneys deposited in the fund for that fiscal year.~~

~~— (3) To compensate those persons who are injured by firearms and who suffer uncompensated pecuniary loss, under the guidelines of the federal Victims of Crime Act, provided however, that no person who is injured by a firearm while committing or attempting to commit a crime may be eligible for compensation pursuant to this section.~~

~~— (g) The fund shall be administered by the California Victims Compensation and Government Claims Board in a similar manner and for similar purposes as the board administers the Restitution Fund.~~

~~— (h) If the amount credited to the Firearm Victims' Reimbursement Fund exceeds the amount necessary to fully cover reimbursable costs pursuant to subdivision (f), the State Board of Equalization shall temporarily adjust, for the following one year period, the fee to be charged pursuant to subdivision (a) to an amount estimated to deplete any surplus in the fund during the next calendar year.~~

~~— (i) The Board of Equalization and the California Victims Compensation and Government Claims Board shall adopt regulations necessary to implement this chapter.~~

~~12331. For purposes of this chapter, the State Board of Equalization may collect the fees pursuant to the Fee Collection Procedures Law, Part 30 (commencing with Section 55001) of Division 2 of the Revenue and Taxation Code.~~

~~12332. (a) The fees imposed by this chapter and the amounts thereof required to be collected by munitions and handgun retailers are due quarterly on or before the last day of the month next succeeding each calendar quarter.~~

~~— (b) On or before the last day of the month following each calendar quarter, a return for the preceding quarterly period shall be filed with the State Board of Equalization in a form as the board shall prescribe. The return shall be signed by the person required to file the return or by his or her authorized agent.~~

~~12333. A person who is not a retailer, and who purchases munitions pursuant to paragraph (2) of subdivision (a) of Section 12330, shall, not more than 90 days after the transaction, pay the fees due and file a form as the Board of Equalization may prescribe that is signed by that person.~~